

**Notice of Allowability**

Application No.

10/691,399

Examiner

James Sells

Applicant(s)

COOK, DANIEL J.

Art Unit

1791

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 10/25/2007.
2. ☒ The allowed claim(s) is/are 1-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All   b) ☐ Some\*   c) ☐ None   of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |   |
|--|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application                     |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment                   |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|  | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings filed 10/22/2003 are acceptable.

### ***Examiner's Amendment***

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Claim 26, line 2, change "0.5 to about 1.5" to -- 0.5 to about 1.5 --.

### ***Allowable Subject Matter***

3. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, in a method of making a laryngeal airway of the type that includes a respiratory tube and an inflatable positioning shield, the shield having a base and a hollow, peripheral portion, the respiratory tube comprising a tubular body and a proximal end lumen, and a distal end lumen formed there through, the prior art does not teach or make obvious the concept of allowing the molding material to cure about the internal walls of the mold and the at least one core, thereby forming the laryngeal airway in a non-inverted form in the manner claimed by the applicant.

Regarding claim 29, in a method of making a laryngeal airway of the type that includes a respiratory tube and an inflatable positioning shield, the shield having a base and a hollow peripheral portion, the respiratory tube comprising a proximal end lumen, a tubular body of sufficient size to permit passage of endotracheal tubes or related medical instruments therethrough, a distal end, passing through and secured to the positioning shield and a distal end lumen passing through and secured to the positioning shield, the prior art does not teach or make obvious the concept of allowing the molding material to cure about the internal walls of the mold and the at least one core, thereby forming the laryngeal airway in a non-inverted form in the manner claimed by the applicant.

Regarding claim 30, in a method of making a laryngeal airway of the type that includes a respiratory tube and an inflatable positioning shield, the shield having a base and a hollow peripheral portion, the respiratory tube comprising a proximal end lumen, a tubular body of sufficient size to permit passage of endotracheal tubes or related medical instruments therethrough, and a distal end secured to the positioning shield, the distal end terminating at a distal lumen, which is secured to the positioning shield, the prior art does not teach or make obvious the concept of allowing the silicone to cure about the internal walls of the mold and the at least one core, thereby forming the laryngeal airway in a non-inverted form in the manner claimed by the applicant.

Regarding claim 31, in a method of making a laryngeal airway of the type that includes an inflatable positioning shield, the shield having a base and a hollow peripheral portion, the prior art does not teach or make obvious the concept of allowing

the molding material to cure about the internal walls of the mold and the at least one core, thereby framing the laryngeal airway in a non-inverted form in the manner claimed by the applicant.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Telephone/Fax***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sells whose telephone number is 571-272-1237. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Philip Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/James Sells/  
James Sells  
Primary Examiner  
Technology Center 1700**